

## **REMARKS/ARGUMENTS**

Before addressing the details of the Office Action, Applicants note that claim 20 has been amended to remove a spurious pound sign which was a typographical error in the previous Response.

### Examiner's Paragraph 5:

The Examiner has stated that: "Applicants have not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120..." In support of this conclusion the Examiner states that applicants have added and claimed "...additional disclosure (see instant disclosure page 17, line 20 to page 19, line 15) not presented in the prior application." The Examiner would require deletion of the additional disclosure and any claims claiming subject matter disclosed in such disclosure in order for applicants to continue to claim continuation status of the present application.

### Applicants' Response:

Applicants draw the Examiner's attention to the cover letter accompanying the filing of this continuing application, a copy of which is attached hereto. As noted in the letter, the features disclosed (and claimed) in the present application were fully disclosed and enabled by the software code submitted with the priority application. Since these features were part of the original disclosure, no new matter was added to the present application either by the additional descriptive paragraphs or the claims. Accordingly, Applicants respectfully submit that the present application is properly designated a continuation application which is entitled to the benefit of the priority of the parent application.

Examiner's Paragraph 6:

The Examiner has objected to the disclosure due to some informalities.

Applicants' Response:

Applicants have amended the specification to correct the informalities including the misspelling of "perform" as "preform."

Examiner's Paragraph 7:

The Examiner has noted that: "Claims 13, 14, 15, 16, 40, 41, 42, 43 are objected to because of the following informalities: these claims depend from an independent claim that has been canceled."

Applicants' Response:

Applicants have canceled claims 13, 14, 15 and 40, 41, and 42. Claims 16 and 43 have been amended so that they no longer recite dependency from the previously canceled claims.

Examiner's Paragraph 8: No response necessary.

Examiner's Paragraph 9:

The Examiner has rejected claims 1-11, 13-18, 20-38, 40-45 and 47-57 under U.S.C. 112, first paragraph, "... as failing to comply with the written description requirement." Specifically, the Examiner states that several noted features of the claims "...were not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention."

Applicants' Response:

Applicants respectfully disagree with the Examiner. The software code appendix filed with the parent and the present application fully describes the invention in such a manner as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants submit that the software code provides a complete written description of the invention and fully meets the requirements of U.S.C. 112, first paragraph.

(It should be noted that during prosecution of the parent application a executable version of the invention described in the software code as well as a short video and an instruction manual were provided to the Examiner to aid the Examiner in understanding the operation of many features of the invention. Applicants believe that these items should still be available to the present Examiner for review in the file wrapper of the parent application. However, at the conclusion of the interview with the present Examiner, Applicants provided another copy of the executable and the video for the Examiner's use.)

Applicants are submitting with this Response, an Affidavit by Michael Brachman, Ph.D., a person skilled in the software art. The Affidavit directly addresses the rejections made by the Examiner. The Affidavit speaks for itself, but Applicants note that the Affidavit fully supports Applicants' position that the software code meets the written description requirement. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections based upon U.S.C. 112, first paragraph.

Examiner's Paragraph 10:

The Examiner has rejected claims 1, 2, 4, 8, 17, 18, 20, 21, 23, 28, 29, 31, 35, 44, 45, 46,47,48, and 50 under U.S.C. 112, first paragraph, "... as failing to comply with the enablement requirement." The Examiner states that:

"The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or sue the invention. Specifically, Applicants disclose in the specification at page 8, lines 1-3 that the manner in which their invention wraps the objects is equally usable with object written to standards other than the Microsoft VBX control and at page 15, line 16 to page 16, line 8 that the system of their invention wraps all objects in a kind of "envelope" of special properties that regulate how the objects act in the system. However, Applicants fail to disclose how to implement the wrapping in such a way to enable one skilled in the art to make and use the invention.

The same reasoning also applies to the limitation *means for utilizing the additional properties and events to link and sequence the objects* claimed in these claims."

Applicants' Response:

Applicants respectfully disagree with the Examiner. The software code appendix filed with the parent and the present application fully describes the invention in such a manner as to enable one skilled in the art to make and/or use the invention. Applicants submit that the software code provides a complete enablement of the invention and fully meets the requirements of U.S.C. 112, first paragraph. Applicants' method of wrapping is fully disclosed and enabled in the software code so that one skilled in the art can make and use the invention. Further, Applicants'

means for utilizing the additional properties and events to link and sequence the objects is fully disclosed and enabled in the software code so that one skilled in the art can make and use the invention.

Applicants are submitting with this Response, an Affidavit by Michael Brachman, Ph.D., a person skilled in the software art. The Affidavit directly addresses the rejections made by the Examiner. The Affidavit speaks for itself, but Applicants note that the Affidavit fully supports Applicants' position that the software code meets the enablement requirement. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections based upon U.S.C. 112, first paragraph.

Examiner's Paragraph 11: No response necessary.

Examiner's Paragraph 12:

The Examiner has rejected claims 1, 2, 4, 8, 17, 18, 20, 21, 23, 25, 28, 29, 31, 35, 44, 45, 46, 47, 48, 50, and 53 under U.S.C. 112, second paragraph, "...as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention."

Specifically, the Examiner stated that:

"Pursuant to these claims, the limitation "*the objects and the script may be maintained separately*" is found to be unclear, vague and indefinite because the verb may be does not provide one with an accurate determination of the METES AND BOUNDS of protection involved so that an evaluation of the possibility of infringement may be ascertained with a

degree of reasonable degree of certainty."

"Pursuant to claims 25 and 52, the limitation "*which may be maintained separately*" is found to be vague and indefinite because it is unclear as to specifically which items are maintained separately and whether these items and their maintenance is supported in the specification."

Applicants' Response:

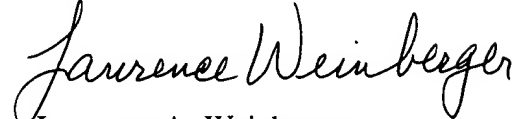
With respect to the Examiner's concern that the metes and bounds of protection are unclear, vague, and indefinite due to the use of the word "may", Applicants have amended the claims to replace the word "may" with the assertive word "can" so that the phrase reads "which can be maintained separately." With this amendment Applicants respectfully submit that the phrase is not unclear, vague and indefinite and fully meets the requirements of U.S.C. 112, second paragraph. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections under U.S.C. 112, second paragraph.

With reference to the Examiner's second point about claims 25 and 52, Applicants note that the phrase "*which may be maintained separately*" is intended to modify "script." In order to remove any ambiguity which the Examiner believes exists, Applicants have placed the phrase immediately following the word "script." As with the other instances of the phrase "may be", the phrases in claims 25 and 52 have been amended to "can be." Applicants respectfully submit that, with this amendment, no ambiguity exists and that the reference is not vague or indefinite. Further, as noted in Applicants' answer to the Examiner's paragraph 9 and in the accompanying Affidavit, the specification fully supports these claims. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections under U.S.C. 112, second paragraph.

Applicants submit that they have adequately addressed and overcome all the Examiner's objections and rejections. Accordingly, Applicants respectfully request that the Examiner permit this application to pass to issue.

July 6, 2004

Respectfully submitted,

A handwritten signature in cursive script that reads "Laurence Weinberger". The signature is written in black ink and is positioned above the printed name and contact information.

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